

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:11cv00004
[Criminal Case No. 1:96cr21-1]**

RAYMOND JEROME FRANCIS,)	
)	
Petitioner,)	
)	
vs.)	<u>ORDER</u>
)	
MARK T. CALLOWAY, DEBORAH)	
A. AUSBURN, WILLIAM M. BOYUM,)	
and BRIAN L. WHISLER,)	
)	
Respondents.)	
_____)	

THIS MATTER is before the Court on the Order of the Fourth Circuit Court of Appeals [Doc. 11], remanding this case for the limited purpose of permitting this Court to supplement the record with an Order granting or denying a certificate of appealability.

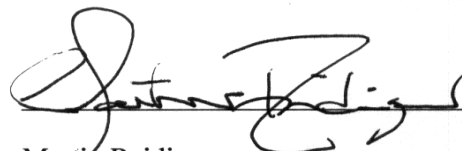
The Court has carefully reviewed this matter in accordance with Rule 11(a) of the Rules Governing Section 2255 Proceedings and declines to issue a certificate of appealability. The Court finds that Petitioner has not made a substantial showing either that the Court's dispositive ruling is debatable or that his Motion states a debatable claim of the denial of a constitutional right.

See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484, 120 S.Ct. 1595, 146 L.Ed.2d 542 (2000) (when relief is denied on procedural grounds, petitioner must establish both that the dispositive procedural ruling is debatable, and that the petition states a debatable claim of the denial of a constitutional right).

IT IS, THEREFORE, ORDERED that the Court declines to issue a certificate of appealability.

IT IS SO ORDERED.

Signed: September 19, 2011


Martin Reidinger
United States District Judge

